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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF OREGON

14 EUPHORIA CHOCOLATE CO.,
15 an Oregon corporation,

O R D E R
Civ. No. 09-6364-TC

16 Plaintiff,

17 vs.

18 CALVIN KLEIN, INC., a
19 Delaware corporation, and
20 MACY'S, INC., a Delaware
corporation,

21 Defendants.

22 AIKEN, Chief Judge:

23 Plaintiff's Motion for Temporary Restraining Order and
24 Preliminary Injunction (filed December 18, 2009) is granted.
25 Pursuant to Fed. R. Civ. P. 65, the court finds that plaintiff is
26 likely to prevail on the merits, and there is a strong
27 possibility of irreparable injury to plaintiff due to the
28 likelihood of customer confusion and the national scope of

1 defendants' alleged infringement. See AMF, Inc. v. Sleekcraft
2 Boats, 599 F.2d 341, 348-49 (9th Cir. 1979) (listing eight factors
3 that govern the likelihood of confusion). The court also finds
4 that the balance of hardships strongly favors plaintiff. See
5 Idaho Sporting Congress, Inc. v. Alexander, 222 F.3d 562, 565 (9th
6 Cir. 2000) (plaintiff must demonstrate either a combination of
7 probable success on the merits and the possibility of irreparable
8 injury or that serious questions are raised and the balance of
9 hardships tips in its favor). Finally, the court finds that the
10 temporary restraining order will not substantially harm
11 defendants. Therefore, a temporary restraining order is entered
12 prohibiting defendants from using plaintiff's registered brand
13 "Euphoria" on candy.

14 IT IS SO ORDERED.

15 Dated this 21 day of December 2009.

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19 s/Ann Aiken

20 Ann Aiken
21 United States District Judge
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